

Ariadne Staples (AS 2839)
Counsel - Law Department
Metropolitan Life Insurance Company
One MetLife Plaza
27-01 Queens Plaza North
Long Island City, NY 11101
Tel (212) 578-3295
Fax (212) 743-0662
astaples@metlife.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CINDY HOGAN-CROSS,

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.

-----X

No. 08 CV 00012 (LAK)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the accompanying Declaration of Ariadne Staples, Esq., dated August 13, 2008, and the exhibits annexed thereto, and the accompanying Memorandum of Law and all the pleadings had herein, Defendant Metropolitan Life Insurance Company ("MetLife") will, move this Court at the United States Courthouse for the Southern District of New York, held in and for the Southern District, located at 500 Pearl Street, New York, New York 10007, on the ____ day of _____, 2008, at 9:30 in the forenoon of that day, or as soon thereafter as counsel may be heard, for an Order: 1) dismissing plaintiff's cause of action under 29 U.S.C. § 1132(a)(3); 2) staying discovery until this motion may be determined; and 3) awarding such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that reply papers, if any, shall be served in accordance with the Federal Rules of Civil Procedure and the Local Rules of Court.

Dated: August 13, 2008
Queens, New York

**METROPOLITAN LIFE INSURANCE
COMPANY**

By: s/Ariadne Staples
Ariadne Staples (AS 2839)

Counsel - Law Department
Metropolitan Life Insurance Company
One MetLife Plaza
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Long Island City, NY 11101
Tel (212) 578-3295
Fax (212) 743-0662
astaples@metlife.com

Attorneys for Defendant

TO: Justin Frankel
Frankel & Newfield, P.C.
585 Stewart Avenue – Suite 312
Garden City, New York 11530

Attorneys for Plaintiffs